Amendments to the Drawings:

The attached replacement sheet of drawings includes changes to FIG. 5 and replaces the original sheet including FIG. 5.

In FIG 5, the gate insulation film 3 is illustrated to conform with its illustration in, for example, earlier FIGS. 2A-2D. Further, the distances t_1 and X_0 are illustrated.

Attachments following last page of this Amendment:

Replacement Sheet (1 page)
Annotated Sheet Showing Change(s) (1 page)

REMARKS

Claims 1, 44-48, and 55-84 are pending, of which claims 1 and 44-48 are independent. Claims 2-43 and 49-54 were previously cancelled. FIG. 5 has been amended as shown in the attached Replacement and Annotated Sheets, and as discussed in more detail, below. No new matter has been added.

The Advisory Action of September 1, 2004 takes the position that FIG. 5, as amended by Applicant's response of August 18, 2004, "do(es) not resolve all of the outstanding issues (e.g., whether the presence of layer 3 is new matter), and raises new issues such as where the anodic oxide regions are; whether the overlaying thin film is intended to be planar or whether the depiction is merely schematic; and if planar, how the anodic oxide film is to be formed so that the overlying planar film may be produced" (See Advisory Action, page 2).

In response, Applicant respectfully submits that layer 3 is not new matter, and may be considered to refer to, for example, the gate insulation layer (film) 3 illustrated in Applicant's FIGS. 2A-2B, as denoted by use of the same reference numeral, "3." Similarly, the references t_1 and X_0 refer to similarly-designated references in, for example, Applicant's FIGS. 2B and 2D, and discussed, for example, on page 8, lines 11-17, and page 10, lines 17-18.

With respect to the issue of "where the anodic oxide regions are," Applicant submits that anodic oxide regions are discussed in Applicant's specification as an example structure/method, and is (are) not necessary to enable or describe Applicant's claimed invention under 35 U.S.C. 112, first paragraph (see, e.g., page 14, lines 11-13 of Applicant's specification, stating that "...while an anodic oxidation method is preferred for simplicity, other methods such as photolithography may be used to form the gate electrode of the present invention.")

Accordingly, Applicant submits that the issue of how the anodic oxide film is to be formed with respect to an overlying planar film is rendered moot by the fact that, as just discussed, an anodic oxide film is not required for enablement or description of Applicant's claimed invention. Similarly, with respect to the (overlying) thin film itself, and the issue of whether it is intended to be planar, Applicant submits that FIG. 5 is intended as a schematic

representation of a semiconductor device, but that it is apparent from FIG. 5 and from Applicant's specification that the overlying thin film may be planar.

Based on the above, Applicant respectfully submits that claims 1, 44-48, and 55-84 comply with all of the requirements of 35 U.S.C. 112, first paragraph, and are in condition for allowance. Therefore, Applicant respectfully requests such action in the Examiner's next official communication.

A check in the amount of $880 (One-Month Extension $110 and Filing Fee $770) is enclosed. Please apply any additional charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: September 20, 2004

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FIG. 5